

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

UNITED STATES OF AMERICA,

VS.

**BENJAMIN NAPOLEON COTHRAN,**

Defendant

NO. 5:08-CR-70 (CAR)

**VIOLATIONS: DRUG RELATED**

**ORDER**

The above-named defendant this day appeared before the undersigned for an **INITIAL APPEARANCE HEARING** pursuant to provisions of Rule 5 of the Federal Rules of Criminal Procedure. At said hearing, the court determined that the defendant is currently in the custody of the STATE OF GEORGIA serving a sentence of incarceration, and that release from state custody on parole or otherwise is not anticipated in the near future. Thus, release from custody in the above-styled case appears to be a moot issue.

Accordingly, the court will HOLD IN ABEYANCE any consideration of release of this defendant from custody in this case under the Bail Reform Act of 1984 until such time as he is released from custody by the state. Counsel for the government and for the defendant are directed to immediately advise the court of any such release; in that event, the defendant shall be brought before this court FORTHWITH for consideration of his release from custody in the above-captioned case under the Bail Reform Act of 1984. In the meantime, he shall remain in the custody of the U. S. Marshal pursuant to the writ heretofore issued in this proceeding.

SO ORDERED, this 6<sup>th</sup> day of APRIL, 2009.



A handwritten signature in black ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE